

DOS & DON'TS: [û] Appeal Compliance Orders by Statutory Deadline



If an OHS inspector issues you a compliance or stop work order, you have two options: Comply with the order or appeal it. But don't wait too long to decide which option you're going to take. The OHS laws specify when an appeal of a compliance order must be made by, which ranges from seven to 90 days of its issuance depending on the jurisdiction. If you miss that deadline and file the appeal late, your appeal may be summarily dismissed and without any consideration of its merits.

That's the mistake a mortuary in Ontario made. During a field visit, an inspector issued five orders. One order was regarding [the storage of a flammable liquid](#), while another required the provision of a [quick acting deluge shower](#) in a preparation room. The mortuary filed appeals of those two orders 40 days after they were issued. But the OHS law says that a company may appeal an order to the Labour Relations Board 'within 30 days after the making of the order.' So the Board dismissed the appeals without considering their validity, ruling that it didn't have authority to extend the 30-day time frame for making appeals [[Ottawa Mortuary Services v. Egrmayer](#), [2017] CanLII 11813 (ON LRB), Feb. 27, 2017].

Insider Says: For more on properly responding to compliance orders, see '[DEALING WITH INSPECTORS: How Do You Appeal an](#)

Order from a Safety Official'?